

BUSINESS AND NONINSTRUCTIONAL OPERATIONS**School Breakfast and Lunch--Sale of Food Items**

- D. The following provisions shall apply in implementing policy 4-69-D:
1. "Food items" covers both food and drink.
 2. "Breakfast and lunch period" is the time from the beginning of the breakfast period through the end of the last lunch period.
 3. This regulation does not prohibit the sale of approved a la carte items.
 4. All income from sale of food items during breakfast and lunch serving periods in the lunchroom shall accrue to the school lunch account.
 5. It is strongly recommended that food items sold in schools after the lunch period be of recognized nutritional value.
 6. Certain items cannot be sold to students on school premises (all areas of the school) from the beginning of the school day until after the close of the last class period:
 1. Chewing Gum
 2. Certain Candies
 - (a) Hard Candy
 - (b) Jellies and Gum Candies
 - (c) Marshmallow Candies
 - (d) Fondant
 - (e) Licorice
 - (f) Spun Candy
 - (g) Candy Coated Popcorn
 3. Water Ices

The prohibition applies only to students. This regulation does not prohibit the sale of these items to employees when in areas only for employees.

Regulatory Authority: (1985) See Editor's Note.

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

School Breakfast and Lunch--Sale of Food Items (continued)

Virginia State Board of Education Regulation, "School Lunch, Sale of Food Items." (1980)

U.S. Department of Agriculture Rules and Regulations, "National School Lunch Program and School Breakfast Program - Competitive Foods." (May 17, 1985 effective June 17, 1985)

Editor's Note

This final rule amends the regulations for the National School Lunch Program and the School Breakfast Program to implement the decision by the U.S. Court of Appeals for the District of Columbia Circuit in the case of National Soft Drink Association v. Block, et al., respecting the sale of foods of minimal nutritional value in schools participating in these programs. The court found that the Department had exceeded its rulemaking authority when it promulgated the "time and place" regulations restricting the sale of foods of minimal nutritional value throughout the school from the beginning of the school day until after the end of the last food service period. Therefore, in this final rule the Department amends the regulations to control the sale of competitive foods and foods of minimal nutritional value only during breakfast and lunch periods in food service areas. In other words, restrictions on foods sold on premises outside the food service area may now be imposed at State or local discretion, but are no longer imposed by the Department.

Approved by Superintendent: January 22, 1991